

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

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) C.A. NO. 1:17-cv-12239-ADB
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**DEFENDANTS' UNOPPOSED MOTION FOR
LEAVE TO FILE DOCUMENTS UNDER SEAL**

Pursuant to L.R. 7.1(b)(3) and the Protective Order (Dkt. No. 55), Defendants ImStem Biotechnology, Inc., Xiaofang Wang, and Ren-He Xu (collectively, "Defendants") respectfully request that the Court grant them leave to file under seal their Opposition to Plaintiffs' Motion for Partial Summary Judgment and documents related thereto. These documents are to be filed by January 10, 2020. Counsel for Plaintiffs have indicated that they do not oppose the relief sought herein.

Under the Protective Order, the parties may designate certain information as "Confidential" or "Highly Confidential," which means it cannot be disclosed without a court order. (Dkt. No. 55 at § V.B). Because Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment and Defendants' Response to Plaintiffs' Statement of Undisputed Material Facts (collectively, "Defendants' MSJ Opposition Materials") refer to and discuss material that the Court previously ordered filed under seal, Defendants request leave to file Defendants' MSJ Opposition Materials under seal. In addition, Defendants may also file excerpts of expert and

fact depositions, excerpts of expert reports, discovery responses, and/or internal emails – all of which have been designated as “Confidential” or “Highly Confidential” under the Protective Order. Should they decide to do so, Defendants request leave to file such materials under seal as well.

Pursuant to L.R. 7.2(a), Defendants believe the aforementioned materials can and should be de-designated and published immediately but, for purposes of timely filing their opposition papers, request that they be filed now under seal. *Cf.* (Dkt. 55 at §3(b) (burden is on designating party)).

Defendants likewise request leave to file publicly redacted versions the aforementioned materials, redacting Confidential and Highly Confidential Information.

WHEREFORE, Defendants respectfully request the Court grant their Unopposed Motion for Leave to File Documents Under Seal.

Dated: January 9, 2020

Respectfully submitted,

IMSTEM BIOTECHNOLOGY, INC., REN-
HE XU and XIAOFANG WANG,

By their Attorneys,

/s/ Timothy R. Shannon

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that, on January 9, 2020, counsel for Defendants conferred by email with Counsel for Plaintiffs in a good faith effort to narrow or resolve the issues raised in the instant motion. Counsel for Plaintiffs indicated they do not oppose the relief sought by the instant Motion.

Dated: January 9, 2020

/s/ Timothy R. Shannon

Timothy R. Shannon

CERTIFICATE OF SERVICE

I hereby certify that I caused this document to be filed through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants on the date below.

Dated: January 9, 2020

/s/ Timothy R. Shannon

Timothy R. Shannon